

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP No. 21990 of 2016 (O&M)

Date of decision: 20.3.2017

Gurcharan Singh

.. Petitioner

vs

State of Punjab and others

.. Respondents

**Coram: Hon'ble Mr. Justice Rajesh Bindal
Hon'ble Mr. Justice Harinder Singh Sidhu**

Present: Mr. Kulwant Singh Boparai, Advocate, for the petitioner.
Mr. P. S. Bajwa, Additional Advocate General, Punjab.
Mr. Umesh Kumar Kanwar, Advocate, for respondent no.4.
Mr. Sandeep Kumar, Advocate, for respondent nos. 5 to 7.

Rajesh Bindal, J.

The petitioner has approached this Court seeking a direction to respondent nos. 1 to 4 to get the encroachments removed from the passage and the adjoining *shamlat* property.

Mr. P. S. Bajwa, learned Additional Advocate General, Punjab, submitted that after filing of the present writ petition, the alleged encroachments have been removed. It is so stated in the affidavit dated 23.11.2016 filed by respondent no. 3.

Learned counsel for the petitioner submitted that it is not for the first time that respondent nos. 5 to 7 have encroached the land. Earlier also they had encroached upon the land in the years 2012, 2014 and now again in the year 2016. The encroachments were earlier got removed by the Block Development & Panchayat Officer. He submitted that as this time

also the encroachments have been removed by the State at its own expenses, the same be recovered from respondent nos. 5 to 7.

After hearing learned counsel for the parties, in our opinion, considering the conduct of respondent nos. 5 to 7, who have repeatedly been encroaching upon the passage and *shamlat* land, the State shall recover the expenses incurred for getting the encroachments removed from them after assessment thereof.

The petition stands disposed of.

(Rajesh Bindal)
Judge

20.3.2017
vs

(Harinder Singh Sidhu)
Judge

Whether speaking/ reasoned

Yes/No

Whether Reportable

Yes/No